Case 2:18-cv-07011-JMA-AYS Document 113 Filed 03/30/21 Page 1 of 2 PageID #: 1856

John D. Kelly (1921-2000) Kelly, Rode & Kelly, LLP John Kenneth Rode (retired 2003) Counsellors at Law Shawn P. Kelly 330 Old Country Road George J. Wilson Suite 305 Loris Teppieri Mineola. New York 11501 Kevin E. Way Edward J. Kelly Tel. 516-739-0400 Fax 516-739-0434 Peter D. Garone 6 mail info@krklaw.com Brian M. Dunphy 218 Griffing Avenue Hilary M. Wissemann Riverhead, New York 11904 Christoper M. Abiuso ESTABLISHED IN 1956 Mahe-Noor Baig Evan J. Becker Emma E. Browning Jessica A. Crimi Samantha L. DeSousa Evan B. Feuerstein March 30, 2021 Shannon E. Fillmore Brian P. Flynn Marili D. Gelardi Christine M. Gibbons

Jerel T. Greenidge Christina M. Gutierrez Andrew D. Hallerman Louis B. Imbroto Karena K. Ioannou Mary J. Joseph Gunjan Kishore Stephen F. Kusnetz Rachel M. Mahonery Laurence G. McDonnell John S. Meade IV Ashley M. Pappas Christopher J. Pedraita Jennifer Prusiecki Debra E. Ruderman Tamir Saland Steve K.F. Scott Brian L. Smith Eric P. Tosca Firm Administrator

Thomas G. Schumm

Via ECF Honorable Joan M. Azrack, U.S.D.J. United States District Court: Eastern District 225 Cadman Plaza East Brooklyn, New York 11201

> Lepper v. Village of Babylon, et al. Re:

Case No.: 2:18-CV-07011

Our File No.: PDG/EPT 148530-752

Dear Honorable Judge Azrack:

In following with this Court's Order dated March 19, 2021 for a briefing schedule by April 2, 2021, we respectfully request whether the court order dated January 14, 2021 staying motions regarding the complaint originally filed under Docket No. 2:21-cv-00014 is still in effect, or if dispositive motions regarding the complaint originally filed under Docket No. 2:21-cv-00014 may be included in the briefing schedule.

We also request guidance as to whether discovery on the complaint connected with the complaint filed under Docket No. 2:21-cv-00014 should proceed before motions are decided.

Plaintiff filed a "consolidated complaint" (E.D. #105) without leave of court to amend any of the prior complaints. We request permission to strike this consolidated complaint in line with our request for a pre-motion conference (E.D. #107).

Thank you for your good attention to this matter.

Respectfully submitted,

KELLY, RODE & KELLY, LLP

BY: <u>Eric P. Tosca</u> Eric P. Tosca

EPT:jl

cc: Via ECF

LAW OFFICES OF CORY H. MORRIS

Attorneys for Plaintiffs 33 Walt Whitman Road Suite 310

Dix Hills, New York 11746

(631) 450-2515